

E-Filed 3/7/07

NOT FOR CITATION
IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

INFINEON TECHNOLOGIES NORTH
AMERICA CORPORATION,

Plaintiff,

v.

MOSAID TECHNOLOGIES, INC.,

Defendant.

Case Number C 02-5772 JF (RS)

ORDER DISMISSING ALL
REMAINING CLAIMS AND
COUNTERCLAIMS PURSUANT TO
PARTIES' STIPULATION

[re: doc. no. 162]

On January 25, 2006, this Court entered final judgment pursuant to Federal Rule of Civil Procedure 54(b) with respect to Counterclaim Counts II, III, IV, V, VI and X of the Third Amended Answer and Counterclaims of Mosaid Technologies, Inc.

On March 2, 2007, the parties filed a stipulation requesting dismissal with prejudice of "all claims" and "all counterclaims" in this action pursuant to Federal Rule of Civil Procedure 41(a)(1). On March 5, 2007, *amicus curiae* Micron Technology, Inc. filed objections to the stipulation, pointing out that because final judgment has been entered as to some claims in the action, the order of dismissal properly should dismiss only those claims *remaining* in the action. The Court presumes that the parties intend dismissal of the *remaining* claims, that is, those claims as to which final judgment has not been entered.

1 Accordingly, all REMAINING CLAIMS AND COUNTERCLAIMS in this action are
2 hereby DISMISSED WITH PREJUDICE pursuant to the parties' stipulation.

3 IT IS SO ORDERED.

4
5
6
7 DATED: 3/7/07

8 
9 JEREMY FOGEL
10 United States District Judge
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

This Order was served on the following persons:

Gregory S. Arovas garovas@kirkland.com

Henry C. Bunsow bunsowh@howrey.com, lim@howrey.com

Korula T. Cherian cheriank@howrey.com, perezl@howrey.com

Sean DeBruine sdebruine@akingump.com, skapralov@akingump.com;
nmarie@akingump.com; btseng@akingump.com; vchan@akingump.com

John M. Desmarais jdesmarais@kirkland.com

Robert E. Freitas rfreitas@orrick.com, marlantico@orrick.com

Todd M. Friedman tfriedman@kirkland.com, smanly@kirkland.com;
dperry-campf@kirkland.com

Eric R. Lamison elamison@kirkland.com, aliu@kirkland.com; fcarlow@kirkland.com;
ltarpley@kirkland.com

Kfir B. Levy levyk@howrey.com, whitakerp@howrey.com

Thomas D. Pease tpease@kirkland.com,

David Shukan dshukan@kirkland.com, akellman@kirkland.com

Michael C. Spillner mspillner@orrick.com, mortiz@orrick.com

Terry L. Tang ttang@kirkland.com

Robert Scott Wales WalesS@howrey.com, PearsonS@howrey.com

James T. Bailey
Paul A. Bondor
David B. Perry-Campf
Kirkland & Ellis
Citigroup Center
153 East 53rd Street
New York, NY 10022-4675